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Attorney for Justin Romo

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,
vs.

JUSTIN JOSE ROMO,

Defendant.

Case No. CR 23-14-M-DWM

**BRIEF IN SUPPORT OF
DEFENDANT JUSTIN
ROMO'S
UNOPPOSED MOTION TO
CONTINUE REMAINING
DEADLINES**

BRIEF IN SUPPORT

Defendant Justin Romo has filed an Unopposed Motion to Continue all remaining dates set by this Court for a period of not less than thirty (30) days. Granting this Motion would serve the interests of justice, and would not run afoul of the Speedy Trial Act. See 18 U.S.C. § 3161.

Mr. Romo is facing charges for Possession with the Intent to Distribute Methamphetamine and Fentanyl in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count 1), Prohibited Person in Possession of a

Firearm and Ammunition in violation of 18 U.S.C. § 922(g)(1) (Count 2), and Possession of a Firearm Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count 3). Mr. Romo is currently facing fifteen (15) years of mandatory prison time, and up to life.

The undersigned was appointed to represent Mr. Romo on April 7, 2023. Prior counsel had a conflict of interest which necessitated withdrawal. The plea agreement deadline and trial deadline remain open. Since being appointed, the undersigned has spoken with Mr. Romo. He consents to the request to Continue the remaining deadlines. Discovery has been requested and will be reviewed as soon as possible.

Defendant Romo respectfully requests that this Court continue remaining dates for thirty (30) days “in the interests of justice” because the failure to grant the continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

Argument

The rights enjoyed by defendants under the Sixth Amendment right to speedy trial found in the U.S. Constitution have been codified within the Speedy Trial Act at 18 U.S.C. §§ 3161-3174 (hereafter, “The Act”). The Act

requires that trial commence within 70 days from the date the indictment was filed, or the defendant's initial appearance. e.g. *United States v. Henry*, 984 F.3d 1343, 1350 (9th Cir. 2021).

Certain time periods may be excluded from the speedy trial calculation, which are found in 18 U.S.C. § 3161(h). Additional delays not accounted for within those categories may be excluded if those delays serve the ends of justice. 18 U.S.C. § 3161(h)(7)(A). If the Court determines that such continuance serves the ends of justice and outweighs the best interests of the public and the defendant's interests in a speedy trial, the time associated with the requested delay is excluded from the speedy trial calculation. 18 U.S.C. § 3161(h)(7)(A).

The court should consider the following relevant factors when determining whether to grant an ends-of-justice continuance under 18 U.S.C. § 3161(h)(7)(A):

- (i) Whether the failure to grant such a continuance in a proceeding would be likely to make a continuation of such proceeding impossible, or result in a miscarriage of justice.
- (ii) Whether the case is so unusual or complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of law or fact, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section.

(iv) Whether the failure to grant such a continuance in a case which, taken as a whole, is not so unusual or so complex as to fall within clause (ii), would deny the defendant reasonable time to obtain counsel, would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

18 U.S.C. § 3161(h)(7)(B)(i), (ii), (iv).

Additionally, before granting an ends of justice continuance, two requirements must be met, 1) that the continuance is specifically limited in time; and 2) the justification for the continuance must be reflected on the record with facts known at the time the delay is ordered. *United States v. Henry*, 984 F.3d 1343, 1350 (9th Cir. 2021) quoting *United States v. Lloyd*, 125 F.3d 1263, 1268 (9th Cir. 1997). Should the Court fail to make the requisite factual findings, any resulting delay from the ends-of justice continuance counts against the Speedy Trial clock. *United States v. Henry*, 984 F.3d 1343, 1351 (9th Cir. 2021).

Under the first factor, failure to grant the continuance would deprive counsel of the time needed to review the discovery and adequately evaluate this case.

Although this case is not *per se* complex under the second factor, nor does it involve novel questions of law or fact, Mr. Romo is a young man who is facing life in prison and adequate time needs to be devoted to assisting him in evaluating his options, which can only be done after the evidence is reviewed.

Because the requested continuance facilitates the effective assistance of counsel, is limited in time, and the justification for the request includes a factual basis, this request serves the interests of justice.

CONCLUSION

For the foregoing reasons, Mr. Romo respectfully request that this Court grant an ends-of justice-continuance and continue the plea agreement and trial deadlines for a period of thirty (30) days.

Dated this 12th day of April, 2023.

/s/ Sarah Lockwood
Sarah Lockwood
Attorney for Justin Romo

CERTIFICATE OF SERVICE

I hereby certify that, on this 12th day of April, 2023, a copy of the foregoing document was served on the following persons by the following means:

1 CM/ECF

Jennifer Clark, Esq.
Assistant U.S. Attorney

2 CM/ECF

U.S. Clerk of District Court
District of Montana

/s/ Sarah Lockwood
Sarah Lockwood